

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing revisions and the reasons that follow.

The specification has been amended to include a specific reference to the prior U.S. application and the PCT application upon which priority is claimed. The specification also has been corrected in relation to typographical and clerical errors.

Claims 31 and 32 are requested to be canceled. Claims 17 and 30 are being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 17-30 and 33-36 are now pending in this application.

Compliance with 35 U.S.C. 120

In compliance with the requirements of 35 U.S.C. 120, the specification has been amended to include a specific reference to the prior U.S. application and the PCT application upon which priority is claimed.

Correction of Typographical/Clerical Errors

As requested by the Examiner, the specification has been amended to be consistent with that of the parent application.

Rejection under 35 U.S.C. 112, First Paragraph

Claims 17-31 and 33-36 have been rejected on the basis that the disclosure fails to support all of the limitations in claim 17. The foregoing amendments to claim 17 obviate this rejection.

Rejection under 35 U.S.C. 112, Second Paragraph

Claims 30 and 31 have been rejected as indefinite. The foregoing revisions to claim 30, with the cancellation of claim 31, obviate this rejection. Basis for the amendment to claim 30 can be found in the specification, for example, at page 7, lines 6-7.

Rejection under 35 U.S.C. 102(b) over WO 98/03572 A1.

Claims 17-36 have been rejected as being anticipated by WO 98/03572 A1. The foregoing amendment to the specification renders this rejection moot.

With the specification amended to refer to the prior U.S. and PCT applications, this application is now entitled to the benefits of the earlier filed applications. Since the priority dates of this application precedes the publication date of WO 98/03572 A1, WO 98/03572 A1 is no longer available as prior art under Section 102(b).

Rejection under 35 U.S.C. 102(b) over Roy *et al.*

Claims 17-26, 28 and 29 have been rejected over Roy *et al.*, *J. Chem. Soc. (Chem. Comm.)*: 264-65 (1993). The foregoing amendments to claim 17 obviate this rejection.

Present claim 17 recites a linear, non-carbohydrate polymer having neuraminic or sialic acid-containing moieties that are modified by substitution in the 4-position and are bonded or linked to the side chains of the polymer. Since the Roy *et al.* article does not teach such modified neuraminic or sialic acid-containing moieties, it cannot anticipate claim 17 or its dependents, claims 18-26, 28 and 29.

Rejection under 35 U.S.C. 103(a) over Jansen *et al.* in view of WO 95/34595

Claims 17-36 have been rejected for obviousness over Jansen *et al.* (U.S. Patent No. 5,869,457) in view of WO 95/34595. The foregoing amendments to claim 17 obviate this rejection.

Jansen *et al.* do not teach the bonding or linking of anionic-containing moieties of amended claim 17. The Examiner further acknowledges that Jansen *et al.* “do not teach polypeptide such as albumin polylysine having Applicant’s specific anionic groups of instant claims 31-33”.

WO 95/34595 does not overcome the deficiencies of Jansen *et al.* Although the Examiner refers to WO 95/34595 as teaching “various anionic groups which can be incorporated into a polylysine dendrimer used as an antiviral compound”, WO 95/34595 does not teach or suggest the modified neuraminic or sialic acid-containing moieties recited in amended claim 17. For this reason, WO 95/34595 does not render obvious claim 17 or dependent claims 18-36, which incorporate the limitations of claim 17.

Rejection under 35 U.S.C. 102(b) over Mandeville, III *et al.*

Claims 17-21, 24-29, 31 and 33-36 have been rejected under for alleged anticipation by Mandeville, III *et al.* (U.S. Patent No. 6,034,129). The foregoing amendments to claim 17 obviate this rejection. Since Mandeville, III *et al.* do not teach all of the limitations of claim 17, the cited reference does not anticipate claim 17 or dependent claims 18-21, 24-29 and 33-36.

Applicants believe that the present application now is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

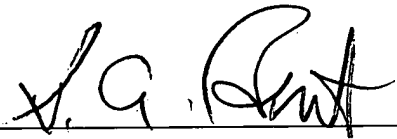
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

21 October 2003

By



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